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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/579,331 | 05/25/2000 | Roger V. Beathard | 062891.0406 | 7232 |

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 09/579,331 | Applicant(s) BEATHARD ET AL. | |
| | Examiner Thjuan P. Knowlin | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005 and 28 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-16,18-46 and 48-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-16,18-46 and 48-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/16/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed May 23, 2005 and Appeal Brief filed December 28, 2005 have been entered. No claims have been amended. Claims 5, 17, and 47 have been cancelled. No claims have been added. Claims 1-4, 6-16, 18-46, and 48-51 are still pending in this application, with claims 1, 13, 33, and 44 being independent.
2. In view of the Appeal Brief filed on December 28, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
 - (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.
3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-16, 18-46, and 48-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al (US 6,798,767).
5. In regards to claims 1, 12, 13, 33, 34, 38, 39, 40, 43, and 44, Alexander discloses a method and call manager for call routing, comprising: receiving a call request at a first call manager (See Fig. 1 and call manager 26a) from a first telephony device coupled to a packet-based network (See Fig. 1 and IP telephony device (x1001 22) on LAN 20a), the call request including a telephone number associated with a second telephony device (See Fig. 1 and IP telephony device (x3015 25) on LAN 20b); accessing a route list (See Fig. 3 and alternate number list 110) associated with the telephone number to determine a port of a gateway device operable to transmit the call request to the second telephony device, wherein the route list comprises one or more route groups (See Fig. 4A and group names 23), each route group including a list of one or more ports of one or more gateway devices (See col. 7 lines 32-64, col. 8-9 lines 60-14, and col. 9-10 lines 61-10); and communicating the call request to a second call manager (See Fig. 1

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and call manager 26b) controlling the gateway device included in the route list (See col. 6 lines 1-6)

6. In regards to claims 2 and 14, Alexander discloses the method and call manager, wherein: the packet-based network comprises an Internet Protocol (IP) network (See Fig. 1 and LANs 20 and/or WAN 30); the first telephony device comprises an IP telephony device (See Fig. 1 and IP telephony device (x1001 22); and the second telephony device comprises a non-IP telephony device (See Fig. 1 and non-IP telephony device 54) (See col. 3 lines 8-26).

7. In regards to claims 3, 11, 15, 16, 19, 27, 28, 29, 30, 31, 32, 35, 36, 45, and 46, Alexander discloses the method and call manager, further comprising: accessing a registration information table (See Fig. 4A, mapping table 120a, and/or mapping table 120b) to determine a process identification of a route list control process executed by the first call manager and associated with the telephone number; and communicating the call request to the route list control process using the identification, the route list control process operable to access the route list (See col. 8-9 lines 47-14).

8. In regards to claim 4, Alexander discloses the method, wherein accessing a route list associated with the telephone number comprises accessing a route list to obtain the device name and port number of the gateway device (See col. 9 lines 20-50).

9. In regards to claims 6, 7, 18, 23, 24, 37, 42, and 48, Alexander discloses the method and call manager, further comprising: communicating the device name of the gateway device to a device manager executed by the first call manager; and accessing a device name mapping table (See Fig. 4A, mapping table 120a, and/or mapping table

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120b) using the device manager to determine a identification of a first device process executed by the second call manager and controlling the gateway device (See col. 8-9 lines 47-14 and col. 9-10 lines 61-10).

10. In regards to claims 8, 9, 20, and 49, Alexander discloses the method and call manager, further comprising: communicating the call request and the port number from the first device process to the gateway device; receiving a call proceed signal from the gateway device indicating acceptance of the call request; and communicating the call proceed signal from the second call manager to the first call manager (See col. 10-11 lines 20-46).

11. In regards to claims 10, 21, 22, 26, 41, 50, and 51, Alexander discloses the method and call manager, further comprising: communicating the call request and the port number from the first device process to the gateway device; receiving a call denial signal from the gateway device indicating a denial of the call request; and communicating the call denial signal from the second call manager to the first call manager (See col. 10 lines 38-46 and col. 11 lines 17-29).

12. In regards to claim 25, Alexander discloses the call manager, wherein the device manager, is further operable to: receive a signal indicating that a third call manager has come on-line in the packet-based network; and communicate the device name and associated process identification of each gateway device controlled by the call manager in which device manager is executing to the third call manager (See col. 9-10 lines 42-10).

Response to Arguments

13. Applicant's arguments with respect to claims 1-4, 6-16, 18-46, and 48-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Livanos (US 5,068,892) teaches a route based network management.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thjuan P. Knowlin

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

A handwritten signature in black ink, appearing to read 'Wing Chan', is written over a horizontal line.

WING CHAN
SENIOR PRIMARY EXAMINER
TECHNOLOGY CENTER 2600